

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS  
STATE OF WISCONSIN

In the Matter of:

On the Commissioner's Own Motion to Consider the Closure of the Public Crossings of the Wisconsin Central, Ltd. Tracks with Day Road, Rock Inn Road and Shady Road in the Towns of Auburndale and Marshfield, Wood County

9164-RX-536

**SUPPLEMENTAL INTERIM ORDER**

The Commissioner of Railroads, Rodney W. Kreunen, directed the staff of the Office of the Commissioner of Railroads (OCR) to investigate and conduct a hearing regarding the potential closure of the public crossings of the Wisconsin Central, Ltd. tracks with Day Road, Rock Inn Road and Shady Road in the Town of Auburndale, Wood County (crossings no. 692-600L as to Shady Road, 692-601T as to Rock Inn Road and 692-603G as to Day Road).

Hearings were held on February 26, 2004 and June 24, 2004. During the first hearing, Wisconsin Central, Ltd. requested that, should Shady Road remain open, Wisconsin Central, Ltd. be allowed to modify the Shady Road crossing to a double track crossing. This would provide for a siding extension at that location, which is greatly needed by Wisconsin Central, Ltd. to improve its capacity to meet current demands. Wisconsin Central, Ltd. had, at the time of the last hearing, commenced construction of its siding extension to the east of Shady Road and intends, if allowed, to complete that work in this construction season. Following the hearing, both the Town of Auburndale and Wisconsin Central, Ltd. requested that Wisconsin Central, Ltd. be granted the requested modification of the Shady Road crossing.

This Office is considering a grade separated crossing which would replace one or more of the crossings which are the subject of this proceeding. A grade separated crossing at or west of Shady Road would eliminate the need for, and the dangers inherent in, the double track crossing at grade. However, such inquiry and any resultant construction would consume several years, a delay which is unacceptable to Wisconsin Central, Ltd.

The granting of the crossing modification request would require that the warning devices at the crossing be upgraded at a cost to Wisconsin Central, Ltd. of about \$125,000.00. Any later order in this proceeding directing the construction of a grade separation structure would apportion the costs thereof between the Town of Auburndale and Wisconsin Central, Ltd., with a substantial portion being borne by the Railroad. Further, the structure would negate the value of the investment in crossing upgrades, as their functionality would terminate with the grade separation. This represents a risk of loss to Wisconsin Central, Ltd. Wisconsin Central, Ltd. has advised the Hearing Examiner that they are prepared to accept that risk of loss in

consideration of an early order allowing the crossing modification for the siding extension.

**Therefore, it is hereby ordered as follows:**

- 1) That Wisconsin Central, Ltd. may modify the crossing of its tracks with Shady Road in the Town of Auburndale, Wood County, Wisconsin (crossing No. 692-600L) to provide for double tracking with the extension of its rail siding, all in accordance with those plans presently on file with this Office.
- 2) That, as part of such alterations, and prior to any railroad operations over the siding extension, Wisconsin Central, Ltd. shall install and maintain automatic 12-inch LED flashing lights with gates and constant warning time circuitry with appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with Shady Road at grade in the Town of Auburndale, Wood County.
- 3) That the Wisconsin Central, Ltd. shall notify the Town of Auburndale at least 5 days prior to commencing work on the crossing and shall coordinate a detour route during construction with the Town.
- 4) That the Wisconsin Central, Ltd. shall not operate over the extended siding at Shady Road, other than for operations necessary to complete the project, until the installation and activation of the automatic warning devices ordered above. For any operations over the siding that are necessitated by the project, Wisconsin Central shall stop and flag.
- 5) That the Wisconsin Central, Ltd. shall bear all of the costs associated with such crossing alterations and with the installation of signals. Further, Wisconsin Central, Ltd. shall pay the costs assessed to it pursuant to sec. 195.60, Stats. for the investigation of the matter by this Office. The Railroad shall not pass on those assessment costs either directly or indirectly.
- 6) That jurisdiction is retained.

Dated at Madison, Wisconsin, this 27<sup>th</sup> day of August, 2004.

By the Office of the Commissioner of Railroads.

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Rodney W. Kreunen,  
Commissioner of Railroads

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